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SOME CONCEPTUAL ISSUES IN THE PROJECTED EURO-MEDITERRANEAN CHARTER FOR PEACE AND STABILITY

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Mohammad El-Sayed Selim

The notion of designing and formalizing a charter for peace and stability was first initiated and concluded within the framework of the Conference on Security and Co-operation in Europe (CSCE). As the Cold war ended, the Paris Summit was held in 1990 to deal with the new situation in Europe. At the Summit, the Paris Charter was adopted. It contained the basic elements of the new European order. Likewise, the Barcelona Declaration referred to the "possibility of establishing a Euro-Mediterranean pact." At the suggestion of the southern Mediterranean partners, the notion of a pact was dropped and that of a charter was adopted. Because of the collapse of the Middle East peace process in 1996, the second Euro-Mediterranean ministerial meeting held in Malta in 1997 failed to agree of the basic elements of the projected charter. However, the third ministerial meeting held in Stuttgart, Germany in 1999 was able to formulate such elements, which were supposed to be subjected to discussions at official and non-official levels in preparation for the final agreement on the charter. The third ministerial meeting resulted in a document titled "Guidelines for Elaborating a Euro-Med Charter for Peace and Stability." In the meantime, the "Carthage Charter on Tolerance in the Mediterranean" was adopted in 1995 under the auspices of UNESCO, and the Mediterranean Charter was signed and ratified by some 70 Euro-Med NGO's in 1997 under the auspices of Instituto Ciencia y Sociedad "INACS" in Spain. The Mediterranean Charter reiterated principles governing relations among the states and peoples of the Mediterranean region such as sovereign equality, refraining from resorting to the threat or use of force, non-intervention in the affairs within the exclusive jurisdiction of states, settlement of disputes by peaceful means, and equal rights and free determination of peoples, etc. The Mediterranean Charter reflects the perceptions of Euro-Med NGOs on issues of security cooperation and it could serve as a guide for assessing the viability of ideas stated in the Guidelines.

The objective of this paper is to contribute to the process of drafting the projected Euro-Med Charter, to expand the inter-subjective agreement among the Euro- Mediterranean partners on its main elements, and to identify some areas for developing the projected charter in that direction. This will be done by assessing the level of congruence between the Guidelines and the Barcelona Declaration, and the extent to which they reflect southern Mediterranean perceptions of the security questions in the Mediterranean*.

The main argument of this paper is that the projected charter must reflect the philosophy of Euro-Mediterranean co-operation outlined in the Barcelona Declaration, which is the highest document governing the Euro-Mediterranean Partnership (EMP). In fact, the Guidelines acknowledged this assertion when it was stated under the objectives tat "the charter will serve as a functional instrument for the implementation of the principles of the Barcelona Declaration." However, in some aspects, the Guidelines tended to reflect a philosophy for Euro-Mediterranean co-operation incongruent with that of the Barcelona Declaration. Accordingly, some work is needed in order to produce a truly Euro-Mediterranean charter, which reflects the philosophy of the Declaration. Further, the projected charter must also reflect a high level of inter-subjective agreement among all the Euro-Mediterranean partners on the strategies devised for building an area of peace and stability in the Mediterranean. Some major elements of the Guidelines seem to mainly

reflect the European view of the security question in the Mediterranean, to the detriment of southern Mediterranean views. The structure of the EMP is already imbalanced in favor of the European side. Aliboni has succinctly argued that" In the Partnership, the EU gives non-European Mediterranean countries nothing more than a limited co-management of its Mediterranean policy" (1). The projected Charter should contribute to the rectification of this imbalance by injecting into its philosophy the multiplicity of views on the structures and process of security coo-0eoration in the Mediterranean.

In this paper, we will focus on four main issues which are at the core of the projected charter, namely, the mandate and domain of the Charter, the strategies for creating an area of stability and security in the Euro-Med region, the role of the strategy of Confidence-Building Measures in building an Euro-Mediterranean security architecture, and finally the inter-subjective agreement on the definition of the social and cultural concepts on the projected charter.

I. THE MANDATE AND DOMAIN OF THE EURO-MED CHARTER

The Chairman's formal conclusions reached in Stuttgart reiterated that the Charter will "serve as an instrument for the implementation of the principles of the Barcelona Declaration where issues of peace and stability are concerned." The Guidelines also identified major functions such as (I) to contribute to the strengthening of peace and stability; and (ii) to promote common values and shared principles, (iii) to address social and economic conditions which threaten stability in the region; and (iv) advance the security requirements of the Euro-Med. Partnership. In order to achieve these objectives, the Guidelines referred to certain mechanisms such as introducing Confidence-Building Measures (CBMs), establishing a structure for political dialogue, and adopting some conflict prevention measures.

The achievement of these objectives necessarily entails the resolution of the major conflicts among the Euro-Med actors as no common values or shared principles will be reached between actors who are in conflict. Further, as we will see later that CBMs cannot be introduced unless an agreement is reached on the major controversial issues. Nevertheless, the Guidelines assert that one of the principles of the projected charter is "non-interference in the settlement of the current conflicts."(2). The guidelines also emphasized upon the function of conflict prevention to the detriment of the function of conflict resolution. This necessarily means that the projected charter will focus on creating the elements which will prevent the outbreak of future conflicts leaving present conflicts, such as the Arab-Israeli conflict and the Greek-Turkish conflict, to be dealt with in other frameworks.

The main justification of this approach is that the process of the resolution of current conflicts is being handled within other frameworks, and any European involvement will necessarily complicate or duplicate these frameworks. For example, the Arab-Israeli peace process is being dealt with within the framework of the bilateral and multi-lateral negotiations under the sponsorship of the United States. The advocates of this approach also argue that the EU should focus on "soft" security issues rather than the more complicated "hard" security issues, and focus on issues related to regional economic cooperation rather than politico-security issues Finally, the EU has not reached the state in which it can formulate and implement a single European policy towards Mediterranean conflicts.

It is our argument that the approach adopted in the Guidelines in relationship with current conflicts is highly questionable at different levels. First, by ignoring current conflicts, the Charter will bypass the present security agenda in the Mediterranean and focus on a future agenda. Consequently, the Euro-Med Partnership (EMP) will lose its relevance to the present concerns of those actors in conflict. States usually pay more attention to their present conflicts rather than to the ones which could emerge in the future, and tend to focus on the frameworks which could provide a mechanism for conflict resolution rather than to those which provide a promise of new world. This is because engagement in a conflict entails a pattern of resource mobilization, which could only be changed after the conflict is resolved. If the EMP will disengage itself from the more urgent conflicts thereby focusing on creating a preferred future world, states that feel the burden of the current conflicts are likely to lose interest in the EMP and the Charter. A focus on soft security issues does not constitute a sufficient response to the concerns of the countries engaged in conflicts. For example, it is hardly possible to convince Palestinians under Israeli occupation that a soft security approach will solve these existential problems. Secondly, international relations cannot be compartmentalized. The continuation of current conflicts is likely to negatively influence the possibilities of establishing a future-oriented cooperative model of Euro-Med relations as current conflicts will necessarily spillover future relations. Countries in conflict are not likely to agree on the parameters of the future world unless those of the present were agreed upon. Lesser and his associates concluded, "the Middle East peace process has proven to be the most critical stumbling block, since continuing the Arab-Israeli tension precludes the necessary consensus for the document's (the charter) approval." (3). Thirdly, there is no promise that other frameworks will resolve current conflicts. This will result in a conflict-ridden Euro-Med world and a utopian EMP focusing on creating a new model of Euro-Med relations leaving the fire burning at its back door. There is no promise also that other frameworks will resolve current conflicts according to the principles laid down in the Barcelona Declaration thereby weakening the relevance of the Declaration. Fourthly, the fact that current conflicts are being handled in other frameworks does not necessarily exclude an active role on the part of the EMP in conflicts among its member states, at least at the level of articulating a policy towards the major principles of the resolution of these conflicts, especially that there are international legal bases for the resolution of these conflicts. For example, the EU does not need to formulate a new policy concerning the Israeli withdrawal from southern Lebanon because there is a Security Council Resolution (no. 425), which outlines the required elements of the resolution of the Lebanese-Israeli conflicts. An endorsement of the full implementation of this resolution does not require a new European consensus. Fifthly, it seems that the assertion that the Charter will be based on the principle of non-interference in the settlement of current conflicts runs contrary to the letter and spirit of the Barcelona Declaration. Perusal to the Declaration reveals that the Euro-Med partners were laying down the principles of the resolution of current conflicts. The Declaration referred to major principles, which are highly relevant to the process of the settlement of current conflicts such as establishing areas free of weapons of mass destruction and respecting the rights of the peoples to self-determination, and the territorial integrity of states. These items address some of the core issues in the current conflicts in the Euro-Med world. The Mediterranean Charter was more explicit in stating that "the states and peoples of the Mediterranean Region will take step, including political consultations and negotiation, with a view to creating particular systems for the peaceful settlement of disputes among them." However, the drafters of the Guidelines preferred

to eliminate current conflicts from the mandate of the projected charter, and to bypass the process of current conflict resolution. Finally, the eight Arab partners in the EMP have been advocating a more active role for the EU in the Middle East peace process. During the third Euro-Med ministerial meeting held in Stuttgart Amr Moussa, Egypt's Foreign Minister, argued that "The Barcelona process is not the Middle East peace process. It is a negotiating framework, but a larger framework dealing with cultural, economic, and security issues. Among these issues are the threats to Middle East peace process… These threats influence the Barcelona process. Consequently, the Barcelona process must pay attention to the major problems in the Mediterranean such as the Middle East and Kosova." In fact, Amr Moussa made it clear that Arab countries are not likely to proceed with the enforcement of the projected charter unless the Middle East peace process is resolved (4). In a meeting held by the eight Arab partners in the EMP in Syria in September 1999 to coordinate policies towards the projected charter, the Arabs agreed that "the charter will be implemented only after the settlement of the Arab-Israeli conflict and achieving a just and comprehensive peace in the Middle East."

Taken together, these arguments lead us to conclude that if the projected charter is to reflect the philosophy of the Declaration, and the perceptions of all partners, and establish a degree of credibility for the Euro-Med partners, it has to emphasize the active involvement of the EMP in the process of the resolution of current conflicts. This does not necessarily mean that the EMP will replace present frameworks of conflict resolution, but rather its involvement in the processes leading to such resolution at least by making its stand clear on the issues, and "actively" persuading the actors to resolve their conflicts.

The emphasis on conflict prevention rather than conflict resolution reflects the dominance of a status-quo oriented paradigm in the Guidelines. In fact, the projected charter has been called the charter for stability. The notion of stability can only be accepted if there is an agreement among the actors on the basic parameters of the situation such was the case in Europe in the mid seventies. In some areas of the Euro-Med world there is no agreement on these parameters. Under these conditions, an emphasis on the notion of stability will serve the interests of some actors to the detriment of the others. For example, an emphasis on stability and conflict prevention in the eastern Mediterranean necessarily means providing Israel with ample time to absorb the Arab occupied territories during which it will not be disturbed by Arab resistance to occupation. Under these conditions, it is difficult to speak meaningfully of a security partnership.

Further, the Guidelines are not clear on the empirical domain of the charter. In some sections they refer to the "Euro-Med sphere and beyond," such as the reference in the principles and undertakings to "the recognition of the indivisibility of security in the Euro-Med sphere and beyond." In other cases, the reference is only to the Euro-Mediterranean domain such as the reference in the objectives to the promotion of "better understanding and mutual acceptance of the cultures, religions, and civilizations of the peoples of the Euro-Mediterranean region," and the reference in the section on preventive diplomacy to "the establishment of Euro-Mediterranean mechanisms for preventive diplomacy." However, in other sections, the domain is purely Mediterranean. This is clearly stated in the reference to "a common and balanced approach to the issue of stability in the Mediterranean," among the principles of the projected charter, and the reference to "the establishment of a common area of peace and stability, shared prosperity and socio-cultural development in the Mediterranean region," among the objectives. Finally, in other sections, the reference is simply to "the region," as in that section of the

objectives, which refers to addressing "social and economic conditions which threaten stability in the region."

A clear demarcation of the domain of the projected charter is necessary in order to identify the range of activities to be conducted in the security sphere. The Barcelona Declaration referred to "Mediterranean region" as the domain of the projected area of peace, stability, and security. However, the projected charter itself has been titled "the Euro-Med Charter" which means that its domain is the Euro-Med world. Perusal to Guidelines reveals that the Euro-Med component refers to Europe's role in managing security issues in the Mediterranean rather than the role of all actors in managing all Euro-Med security issues. As it stands, the security mandate of the EMP denies the southern Mediterranean actors any involvement in the European security questions, although some of these actors have pleaded for a more active role in these questions. During the December 1998 meeting of the Organization of Security and Cooperation in Europe (OSCE) in Oslo, Egypt made it clear that it would like to participate with other Mediterranean states in the formulation of the European security model and the implementation of various missions by the OSCE (5). However, the Guidelines provide no role for the non-European Mediterranean actors in European security matters, which is likely to reinforce the image of an imbalanced security partnership, and negatively influence its long-term sustainability. Further, the projected charter does not refer to any security obligations on the part of European actors. For example, whereas the southern Mediterranean actors are expected to abide by the Nuclear Non-proliferation Treaty (NPT) there is no mention to the British and French obligation to remove their nuclear arsenals as stipulated in article 5 of the NPT.

Consequently, it is our argument that the EMP will not become a true partnership unless its mandate and structures are widened to be truly Euro-Mediterranean. and the obligations of partners became truly reciprocal.

II. STRATEGIES FOR PROMOTING SECURITY CO-OPERATION IN THE MEDITERRANEAN

Any identification of strategies to promote and reinforce security cooperation is derived from a certain view of the factors determining the lack of security cooperation. If one perceives the factors as mainly domestic (or dispositional) then it is at this level that the security architecture must be designed. Conversely, if one views the factors leading to the lack of security cooperation as mostly external (systemic, or relational), then a change at these levels must be achieved in order to promote security cooperation. In fact, by analyzing security strategies, one may infer the security paradigm underlying them. Concerning the factors resulting in the lack of security cooperation.

In dealing with the question of the lack of security cooperation in the Mediterranean, one may identify two major schools. The first school focuses on the internal factors as the major impediments of security cooperation. The Mediterranean, especially its non-European component, is viewed as an anarchic and underdeveloped world. It is a world ridden with various forms of domestic instability, controlled by authoritarian regimes lacking legitimacy, engulfed with deep economic deformities, and crises, and lacking democracy. As such, the southern Mediterranean countries are viewed as incapable of formulating a genuine strategy of peace and entering into long-term commitments for regional security co-operation. This view is dominant among western analysts. For example, Nonneman listed fourteen variables which account for Middle

Eastern instabilities such as the lack of political legitimacy, the lack of development, population explosion, the lack of political participation, the gap between the rich and the poor states, ethno-religious fragmentation and tension, foreign domination and foreign involvement, the Arab-Israeli dispute, the arms race, lack of credible mechanisms for settling disputes, and the lack of regional integration (6). Most of the variables mentioned by Nonneman relate mostly to the image of domestic anarchy in southern Mediterranean states. In his analysis of Mediterranean security, Lesser referred to internal, regional, and extra-regional dimensions of the lack of Mediterranean security co-operation. At the internal dimension level, Lesser focused on the lack of political legitimacy and internal stability, expanding urbanization, and the rise of political extremism. Among the three dimensions, Lesser gave the internal ones a more prominent role in accounting for the limited level of security co-operation in the Mediterranean. He argued that "the Mediterranean security is, above all, a matter of internal security of states facing pressure for political, economic, and social change."(7). In his lecture given to the Royal Society for Asian Affairs in 1992, Sir James Craig, dealt with selected five major seismic stresses, which underlie the Middle Eastern "anarchy". He listed five main stresses, namely (I) an underlying hostility to the West in general and the United States in particular, (ii) Islamic fundamentalism, (iii) chronic instability connected with the absence of democracy, (iv) an extreme inequality in the distribution of wealth among the states of the area and domestically inside them; and (v) the Arab-Israeli conflict. Sir Craig added that he would have preferred to delete the Arab-Israeli dispute from the list and for that reason he would not dwell on it leaving us with the conclusion that the first four sources, which are internal, are the major sources of instability and lack of security co-operation in the Middle East (8).

Consequently, advocates of this school contend that security in the Mediterranean could only be achieved by bringing about a drastic change in southern Mediterranean regimes so as they become in line with their European counterparts. Such changes include democratization, building an economic system based on free enterprise and trade liberalization, and combating terrorism and drug trafficking. In fact these are the strategies which dominate the Guidelines. The Guidelines refer to strategies such as the promotion of common values and shared principles, the respect of human rights and fundamental freedoms, promotion of understanding, transparency and predictability, enhancement of democracy, solidarity and tolerance, promotion of better understanding of other cultures and civilizations, addressing new security challenges such as terrorism, organized crime, illicit drug-trafficking, degradation of the environment, xenophobia, and illegal immigration, and the proliferation of weapons of mass destruction. With the exception of the last strategy, these strategies address questions of the domestic roots of the lack of security cooperation, which are embedded in the images or the regimes. Questions related to regional power imbalances, and territorial conflicts are hardly addressed.

In accounting for the lack of security co-operation in the Mediterranean, most southern Mediterranean analysts subscribe to relational, and systemic regional and extra-regional explanations. It is argued that the centrality of territorial conflicts, the contradictory perceptions of security threats among the ruling elites in the SMW, and the structure of the south Mediterranean regional system which is characterized by strategic disequilibrium are the main explanations of the lack of security co-operation in the Mediterranean. Accordingly, the establishment of a regional security regime requires some work at the relational and systemic levels to be supplemented by reinforcing work

at the internal levels. Security co-operation cannot be achieved; it is argued, without dealing with the relational and systemic variables. This school of thought is dominant in the southern Mediterranean world (SMW), especially among the ruling elites, the nationalists, and the Islamists in the Arab countries of the Eastern Mediterranean world. For example, Mahmoud Karem, Egypt's chief negotiator in arms control talks, accounted for the lack of security co-operation in the Mediterranean world with reference to the Mediterranean security setting, especially the supremacy of military threat perceptions. "Parties still believe they are under a military threat of opposing security structures…There are still parties who are closely welded to certain military doctrines" (9). Southern Mediterranean analysts mostly agree that there are three main factors for the lack of security co-operation in the Mediterranean, namely,

(1) The Centrality of Territorial Conflicts:

Territorial issues are viewed in the southern Mediterranean explanations as the central impediment to security co-operation in the Mediterranean. The Arabs believe that as long as Israel occupies their territories the prospects of entering into security co-operation with her are limited. They consider Israel's withdrawal from these territories as a *sin qua non*-to establishing a security regime in the Mediterranean. Arab-Israeli economic co-operation is also considered contingent upon the political resolution of the territorial issues.

Arab perceptions of the linkages between security co-operation and territorial settlement differ from the American-Japanese and Allies-German post-Cold War models. According to these models security and economic co-operation measures were established under conditions of occupation. An Egyptian analyst argued that these models are not applicable to the Arab-Israeli conflict. "This approach could possibly work when the issue of contention is somewhat marginal to the survival, dignity and sense of equality and justice. It may not apply however in cases where a nation is entirely deprived of its rights to self-determination or political rights such as the case of the Palestinian peoples (10). Abdel Monem Aly also argued that there are certain priorities to establish a security system in the Mediterranean. Among these priorities is finishing the old geopolitical agenda with the Arab Israeli conflict the most important topic on the agenda. The Libyan and Iraqi questions are also important. He also referred to the restoration of the economic viability within the SMW states, the establishment of pan Mediterranean institutions, and promoting strategic understanding among the key states (Israel, Egypt, Saudi Arabia, and Turkey) of what the Middle East is going to be and how the cross Mediterranean relations are supposed to be (11).

(2) Middle Eastern Strategic Imbalance:

The Middle East is characterized by a high degree of strategic imbalance. Israel is in a superior strategic position relative to all its Arab neighbors combined. It is the only nuclear power in the Middle East and it possesses long-range and efficient missile delivery systems not available to any of its neighbors. Such imbalance does not necessarily impede security co-operation, unless it is coupled with major territorial conflicts. Arab actors contend that under these conditions, security co-operation will serve as means to reinforce territorial annexation, especially if such co-operation provided Israel with enough time to absorb the occupied territories (12). The Arabs also believe that Israel's nuclear capabilities are a threat to their security. An Egyptian former General argued that, "whatever you say about nuclear capabilities, it still remains a threat to other parties, let alone Egypt and Syria. Take any two countries anywhere in the world and all

of a sudden one of the two countries discovers that the other has nuclear capabilities …that country will start thinking about how to confront this threat," (13).

(3) Imbalanced Western involvement in Mediterranean conflicts:

There is a strong perception among Arab elites that the West is pursuing Middle Eastern and Mediterranean policies, which favor Israel. These perceptions are derived from American declared commitment to Israel's strategic superiority, and the EU's two-fold policy in the Euro-Mediterranean Partnership. Kardon, An Algerian scholar, maintained that American "double-standard" policy in dealing with Israel's violations of the UN resolutions is at the root of the Middle Eastern security dilemma. He added, "peace in the Mediterranean evolves mainly around the resolution of the Arab-Israeli conflict."(14). Amr Moussa, Egypt's Foreign Minister, criticized the European Union of granting Israel a preferential treatment in its association agreement with that country which it was not willing to provide to other Mediterranean partners claiming that Israel was " special case,"(15). These perceptions are widely shared by most southern Mediterranean intellectuals and political elites. They had led them to conclude that Europe was not concerned with establishing a genuine security system, but mainly interested in creating institutions to monitor the south, and that Europe's security policy carries little weight compared with its economic concern (16). These perceptions were reinforced when Europe created the European Rapid Operational Force (EUROFOR) and the European Maritime Force (EUROMARFOR) without consultation with the southern governments. In fact, this has led a top Egyptian strategist to conclude "the presence of foreign naval power in the Mediterranean constitutes a threat to Egypt's national security in the light of western support to Israel,"(17). From these premises, southern Mediterranean analysts advocate a more comprehensive approach to the formulation of security strategies. They argue that the strategies of security cooperation in the Mediterranean should address themselves to the systemic and relational factors parallel with their focus on the internal ones.

The Barcelona Declaration adopted a similar approach. The Declaration referred to the principles of the right of self-determination, the territorial integrity of states, non-proliferation of weapons of mass destruction including the establishment of a Middle East zone free from such weapons and their delivery systems, refraining from the excessive accumulation of conventional arms, and refraining from developing a military capacity beyond their legitimate defense requirements. These strategies were mentioned in the Barcelona Declaration parallel with those related to democratization, and respect of human rights. However, the Guidelines focused almost entirely on the latter strategies thereby reflecting classical western views on the sources of the lack of security cooperation in the Mediterranean.

Accordingly, the projected charter as articulated in the Guidelines is in dire need for a more comprehensive strategy for the promotion and reinforcement security cooperation in the EMP. Such strategy should address the systemic, relational, and internal sources of conflict in the Mediterranean thereby contributing to the elimination of the national grievances of the southern Mediterranean actors. One of the mechanisms of achieving this is to include in the charter annexes on arms control and disarmament, and the principles of conflict resolution which the parties will be expected to observe.

III. THE ROLE OF CBMS IN THE SECURITY ARCHITECTURE OF THE EMP

The concepts of Confidence-building Measures (CBMs), and their variants ?Confidence and Security-Building Measures (CSBMs) have been increasingly suggested in the post Cold war era as the main mechanisms of conflict resolution and peace building not only in the Euro-Mediterranean world, but also in virtually all regions. Today, CBMs have become an almost standard acronym in any discourse on conflict resolution all over the world. The Barcelona Declaration and the Guidelines are no exception. Both documents referred to CBMs are strategies for peace building in the EMP, albeit in different contexts. Our main argument in this section is that CBMs have served the cause of European security in the Cold War era, and as a result it is worthwhile to examine their applicability to the Euro-Mediterranean world. The Barcelona Declaration and the Guidelines have attempted to benefit from this experience by introducing the notion of CBMs in the EMP, which was a step in the right direction. Further, we argue that CBMs have been introduced in inter-European relations under certain conditions, and that the successful application of these measures in other regions depends upon the presence of these conditions. CBMs cannot be successfully introduced to other regions without looking into their antecedent conditions. Attempts to de-link CBMs from these conditions (contexts) are not likely to lead to an effective application of these measures. We also contend that CBMs is a status quo oriented concept. It can only be successfully applied where an agreement on the main parameters of the situation has been reached. Further, CBMs by are a part of a larger political process of conflict resolution. By themselves CBMs are not capable of maintaining peace. The development of CBMs in Europe largely depended on the change of Soviet global outlook after 1985 and the global transformation, which began in 1989, rather than the other way around. Finally, we argue that in order to establish the credibility and effectiveness of CBMs it is crucial to address the question of their universality as a strategy for peace building.

The Barcelona Declaration and the Guidelines referred to the concept of CBMs without linking it to the conditions conducive to its success and referring to its universality as an approach for peace building. Consequently, it is our argument that some work is needed in order to refine the concept of CBMs in the projected charter. In the following sections we will attempt to corroborate these arguments.

(1) The conditions conducive to the effective application of CBMS in the EMP:

Social scientists argue that in validating a relationship (e.g. the relationship between CBMs and peace building) one must specify "the conditions or contingencies necessary for the occurrence of the relationship."(18). Such conditions (contexts) include three major elements: interest and concern, time and place, and background characteristics. People differ in their concerns and interests, which in turn affect their attitude."(19). In brief, a study of the valid applicability of a certain human experience to another requires a specification of the context under which the former occurred. If this context is present, then one can proceed to apply this experience. However, if it is not, then the most crucial task of the successful application of the experience is to create the specified context, then to move to apply the experience.

Likewise, CBMs are a human experience, which was introduced in a certain context. They have succeeded in achieving the objectives of conflict reduction and peace building in Europe during the Cold War, and could serve to achieve the same objective in other regions after the Cold War. In fact, the success of CBMs in Europe indicates that they could achieve the same objective in other regions. However, such probability depends on the specification of the context within which CBMs was introduced in Europe

and the presence of such context in these regions. This leads us to the study of the historical background of CBMs in the European experience with a view of determining their context.

CBMs were introduced in Europe within the framework the process of the Conference on Security and Cooperation in Europe (CSCE) which was launched by thirty-five European states, the US, and Canada in 1973 and institutionalized in the Helsinki Accords in 1975. This process began when two major developments occurred in global and European relations, namely, the East-West global strategic equilibrium and the ensuing arms control agreements of the late 1960s and early 1970s, and the political process of global détente. These two processes must be outlined in order to comprehend the context of CBMs in the European experience.

(1.1) *East -West Global Strategic equilibrium and Arms Control Agreements*:

CBMs were introduced in Europe after relations between the Soviet Union and the United State reached a state of strategic equilibrium, which was commonly labeled a balance of terror. This balance rested on the mutual understanding that each side possesses various types of delivery systems armed with massively destructive power that cannot be prevented by defensive actions. The knowledge that a surprise first strike could not destroy the other's protected a widely dispersed retaliatory capability reinforced the deterrence created by the balance of terror. The state of the balance of terror was fully established after the Soviets developed their Inter-Continental Ballistic Missile (ICBM) in 1957. Although the state of the balance of terror brought certain major threats to global security, it resulted in the exclusion of a global nuclear war as a viable option for the soviets and the Americans. The Cuban Missile Crisis of 1962 raised the prospect of a global confrontation through miscommunication or misperception. As a result, the two superpowers established direct "hot-lines" immediately to facilitate rapid and clear communication. Further, progress also began to take place on the questions of arms control. In 1963, the superpowers and the British did reach agreement on a partial test ban treaty. This put an end to nuclear testing by the three signatories in the atmosphere, outer space, and under water. In 1968, an international treaty, known as the Non-Proliferation Treaty (NPT) was approved. The NPT prohibited the diffusion of nuclear weapons among non-nuclear states. In 1971, the Seabed Treaty was signed. It banned nuclear weapons and other weapons of mass destruction from the seabed of the world's oceans outside each other state's twelve-mile territorial waters. In 1969, the two superpowers entered into Strategic Arms Limitation Talks (SALT), which led to the SALT1 agreements of 1972. The agreements limited the number Anti-Ballistic Missiles (ABM) defense systems and the number of missile delivery systems with nuclear warheads for each, and finally established a mechanism for the reinforcement and verification of the global strategic equilibrium.

(1.2) Superpower détente and the stabilization of the territorial Status quo in Europe:

The second major context under which CBMs were introduced in Europe was the advent of the era of superpower détente and the formalization of the territorial status quo in Europe. In 1971, an American-Soviet agreement was reached to improve communications between the two countries in periods of crisis, and in 1972 agreements were concluded to prevent incidents in or over the sea, and for cooperation in the exploration of and se of outer space for peaceful purposes. Nixon's visit to Moscow in 1972 heralded the beginning of a new era of super power détente, which was to continue until the end of the 1970s. More importantly, in the early 1970s, West Germany under Chancellor Brandt began to make rapid progress in normalizing relations with its eastern neighbors and the

Soviet Union. It accepted the Polish frontier in 1970. Between 1971 and 1972 it recognized East Germany, and agreements were reached on the future of Berlin and relations between the two Germanys. At the end of 1973, West Germany established diplomatic relations with Bulgaria, Hungary, and Czechoslovakia (Romanian and Yugoslav recognition of West Germany had taken place in 1967). Between 1970 and 1972, the Soviet Union and West Germany concluded agreements on economic, industrial, and technical cooperation (20). These were momentous developments as they meant that the Eastern and Western blocs have finally recognized the territorial status quo in Europe, and that the West had recognized East Germany an independent state.

The process of the CSCE, which introduced the concept of CBMs, was launched immediately after the aforementioned arms control agreements were reached, and after relations between the two blocs began to stabilize around an agreement on the formal acceptance of the territorial status quo in Europe. Further, the crucial developments in the area of CBMs occurred after the advent of Gorbachev to power in 1985, which signaled a radical change in the soviet approach to the process of security and cooperation in Europe. A brief review of the developments, which led to the convening of the CSCE and the introduction of the concept of CBMs, may be in order.

During the Cold War, the Soviet Union suggested to establish a pan European collective security system. Two major obstacles confronted the Soviet (I) the West insisted on a solution to the German problem before embarking upon this exercise; and (ii) the West insisted on having a conference which would deal marginally with security issues and would include other issues such as human rights, freedom of movement of individuals, and economic and technological cooperation. The CSCE process began when the two blocs removed these obstacles within the context of détente and the endorsement of the territorial status quo. The Soviet Union also endorsed the Western insistence on establishing a conference that will deal with only marginal security issues such as confidence building measures. “It was only after the settlement of these issues that the first stage of the conference was convened in Dipoli, Helsinki in 1973.” (21).

Between 1973 and 1975 serious negotiations between the Soviet Union, the United States, Canada and 32 European countries were conducted with a view of reaching an understanding on framework of the stabilization of the newly created order in Europe. On 1 August 1975 they signed the Helsinki Final Act (HFA). This consisted of several declarations of principle and was made up of four Baskets. Basket I was about “Questions relating to Security in Europe.” In this basket, the signatories agreed that the current frontiers in Europe could not be changed by force and promised not to interfere in the internal affairs of other countries. The Basket also introduced the concept of CBMs. Basket II dealt with “Co-operation in the field of Economy, Science, and technology and the Environment.” Basket III focused on “Cooperation in Humanitarian and other fields” which covers issues related to human rights, information, education, and culture. Basket IV provided for the holding of review conferences in which participating countries are called upon to continue the multilateral process initiated by the conference. The baskets were inter-linked. A linkage was established between security, economic cooperation, and human rights. Further, decisions in the CSCE were taken by consensus. Until 1990, the CSCE lacked any permanent organizational framework. Its only structures were the Follow-up Meetings (FUMs) which convened every two or three years.

The CBMs, which have been adopted in the Helsinki Summit of 1975, were mostly related to non-military security. They were also criticized as being insufficient to create confidence on grounds that they could be deceptively used for a surprise attack by

building false confidence. As a result, it was decided in the Madrid follow-up meeting to develop the CBMs and incorporate into them a new military dimension, which was labeled Confidence and Security Building Measures (CSBMs). In 1983 the participating states decided to establish the Conference on Confidence and Security-Building Measures and disarmament (commonly known ass the CDE). The mandate of the CDE was to upgrade the level of CBMs and turn them into CSBMs and to engage into negotiations on arms control and disarmament. It was decided that the CSBMs would be of military significance. This coincided with the change of the Soviet leadership, which accepted for the first time the principle of on-site inspection. This development facilitated the works of the CDE, which prepared a document on the second generation of CSBMs in Stockholm in 1986. The newly introduced CSBMs included measures such as annual exchange of information military forces, major weapon and equipment systems, and military budget, notification of military calendars for military activities forecast, observation of military activities, compliance and verification measures in the form of on-site inspections, military visits to airbases and military contacts, and cooperation as regards unusual military activities and hazardous incidents of military nature (22). The objective of engaging the parties in these activities was to enable them to" know about what others are doing and why they are doing…. and to know about the manpower, firepower, force structure, weapon and equipment systems, and training practices of potential adversaries for the purpose of striking a balance and obtaining disarmament and arms control regimes."(23). The rationale of this exercise was to "facilitate the establishment of relations on the basis of trust. the contribution of which to peace is obvious."(24)

In 1990, the third generation of CBMs was introduced in the form of the Vienna documents of 1990 and 1992. The main catalyst for this development was the success of the second generation, which resulted in the Conventional Forces in Europe (CFE) Treaty of 1990. The Treaty was described as "the most revolutionary disarmament instrument, which the history has ever recorded."(25) It placed a ceiling on the number of five major weapon and equipment systems. It limited each side to a certain number of tanks, armored combat vehicles, artillery pieces, aircraft and attack helicopters. It also divided the area of application (from Atlantic to Urals) into four zones in which it established sublimits designed to curb the capability of one nation to threaten its neighbors. It also provided for intrusive on-site inspections as well as detailed information exchanges on a wide range of issues. It also introduced new transparency measures, such as notification of military exercises and movement of military equipment out of storage. Further, the Treaty of Open Skies was signed in 1992 under the auspices of the OSCE. Under the Treaty, each state party will open its territory on the basis of reciprocity to overflights of unarmed aircraft of other parties at a 72 hours notice. As a result, the third generation of CBMs was adopted in the Vienna documents of 1990 and 1992. The 1990 Vienna document consisted of 10 chapters requesting various measures such as an annual exchange of military information, observation of certain military activities, and the adoption of certain verification and communication measures, etc. Later, the 1992 Vienna document refined these measures. The fourth generation of CBMs was introduced in the context of the Forum on Security Cooperation (FSC) in 1993. The FSC adopted a set of four measures related to increased openness in defense planning, joint military exercises, principles governing conventional arms transfers, and establishing measures for localized crisis situations. These measures were later developed in the Vienna Document of 1994 and a "Code of Conduct on Politico-Military aspects of Security" was approved by the state

members during the CSCE summit in Budapest inn 1994 that also changed the name from CSCE into OSCE. At the Lisbon OSCE summit meeting in 1996, the state members approved the" Lisbon Declaration on a Common Comprehensive Security for Europe for the Twenty-First Century." The process of expanding and developing CBMs is still in the making as Europe moves from one level of security co-operation to the other(26).

Although the CBMs have not resolved the main conflicts between the participating parties they helped in stabilizing the situation in Europe, and preventing the inadvertent outbreak of war through misperceptions or miscalculations. They helped to allay the fears of the parties from a possible surprise attack and to persuade the parties to enter into more arms control agreements.

However, the change in the security environment in Europe and the development of CBMs from one generation to the other was not basically an outcome of the first generation CBMs of 1975. It was the change of leadership in the Soviet Union in 1985 and the ensuing change of the global soviet outlook, which helped to bring about the second generation of CBMs and other later developments. Brauch argued that CBMs were irrelevant to the global structural change that started in 1989 and that subsequent generations of CBMs benefited from the global transformation resulting from the collapse of the Soviet Union(27).

The South Asian region has had the most comprehensive experience with CBMS after Europe. Since the end of the Indo-Pakistani war in 1971, various CBMs have been introduced. The experience of the application of CBMs in South Asia shows that whereas these measures have helped in preventing a fourth India-Pakistani war, they have not helped to solve the main issues at stake and have not reduced the likelihood of a nuclear and missile technology arms races. This was because some of the major pre-requisites for their introduction are lacking. There are major territorial disputes between India and Pakistan over Kashmir, Siachen-Glacier, Woollier Barrage and the demarcation of Sir Creek. The new power equilibrium established after the 1998 nuclear tests that were supposed to help both countries to adopt CBMs. However, the year 1999 witnessed a new missile technology race.

(2) <u>The Universal vs. Selective Application of CBMs in the Euro-Mediterranean conflicts</u>:

We have pointed out earlier that CBMs have been suggested as mechanisms for conflict resolution and peace building in all regions and conflicts. However, the experience of the application of CBMs in the post-Cold War era shows that there are limitations to this claim. The European Union (EU) advocated the pursuit of a CBMs strategy in resolving certain conflicts, such as the Arab-Israeli and Cypriot conflicts However, it refrained from pursuing such strategy in other conflicts, such as the conflicts with Iraq (1990-present) over the its invasion of Kuwait implementation of the Security Council resolutions, and Libya (1992-present) over the Lockerbie crisis. In the first case, no CBMs were suggested to deal with the problem of the Iraqi occupation of Iraq, military force and severe economic sanctions were used not only to dislodge Iraq from Kuwait, but also to force it to comply with relevant Security Council resolutions. Libya was excluded from the Euro-Mediterranean Partnership, severe economic sanctions were applied, and no compromise was accepted until the Libyan economy was badly hurt. This trend persisted in the case of the conflict with Yugoslavia (1998-present) over the question of Kosova. Yugoslavia was almost destroyed because it did not accept NATO's version of the Kosova settlement. In these cases the question of the application of CBMs was never envisaged and the

European actors resorted to a "compliance" rather than CBMs strategy. The cases of Iraq and Yugoslavia show that military force could be applied to resolve certain conflicts.
This is not the place to assess the validity of the contending claims of various actors over the application of military force or CBMs. The question, which needs to be addressed, is what are the criteria for the classification of conflicts into those in which CBMs could be applied and those in which only a compliance strategy is usable.
The Barcelona Declaration referred to the consideration of CBMs and CSBMs at the end of a long list of measures to be introduced at the internal, relational, and systemic levels. Although it did not explicitly link the consideration of CBMs to the application of these measures, but the implication is clear, CBMs is a part of an overall process of conflict resolution and peace building. The Guidelines seemed to have taken a step backward. We have seen earlier tat they had excluded the conflict resolution process from the mandate of the projected charter thereby neglecting the importance of bringing about a change in the regional strategic environment before introducing CBMs. They only referred to CBMs within the context of the of arms control an non-proliferation of weapons of mass destruction. Both documents did not refer to the universality of CBMs as an approach to peace building thereby leaving to decision to dominant actors in the EMP to decide the applicability of CBMs in a particular situation.
Consequently, the projected charter needs further elaboration on the questions of the pre-requisites for the effective application of CBMs, especially the questions of the resolution of conflicts and arms control. This is essentially because in thinking about the introduction of CBMs in Euro-Mediterranean relations, one must begin by devising strategies to create the contexts conducive to their effective application, as was the case of Europe in the 1970s. These conditions were mainly related to finishing the agenda of territorial disputes and reaching major arms control agreements establishing a strategic equilibrium. Further, the projected charter should emphasize upon the universality of CBMs as an approach to peace building in Euro-Med relations or at least specify the conditions under which CBMs will not be applied. This is essential in order to create an atmosphere of predictability in these relations.

IV. TOWARDS AN INTER-SUBJECTIVE EURO-MED AGREEMENT ON THE MEANING OF THE SOCIAL AND CULTURAL CONCEPTS

The Guidelines referred to some major social and cultural concepts which the Euro-Mediterranean actors are expected to observe in their domestic practices. Specifically, the Guidelines referred to concepts such as the rule of law, human rights and fundamental freedoms, democratization, transparency, tolerance, good governance, and fighting terrorism. Most of these concepts has a different meaning in different cultures, and is used differently in different contexts. For example, the meaning of human rights differs across cultures and an act of terrorism for one actor could be considered an act for freedom fighting for the other. This is quite evident in the Latin and Anglo-Saxon cultures on one hand and the Arab and Islamic cultures on the other. For example, the role and status of women, the right of religious conversion, the abolition of death penalty, and complete personal (including sexual) freedoms are considered essential in present European cultures and conventions (28). Such norms are not entirely condoned in Arab and Islamic cultures. Further, the emphasis on such concepts could be used to legitimize interventions in the domestic affairs of the Arab actors. Consequently, it is important to enter into a

dialogue on the meaning of the social and cultural concepts stated in the Guidelines with a view of identifying areas of agreement and disagreement between the actors when they apply these concepts. It is also equally important hat the projected Charter should either acknowledge the cultural connotations of these concepts or add a glossary outlining their contending definitions.

Finally, as stated in the Guidelines, the concepts seem to apply only the domestic practices and the political regimes. However, they are equally important in inter-state relations. One cannot talk about democratization of political regimes without also being concerned about the democratization of international relations. A concern about the domestic respect of the rule of law in domestic affairs logically entails an interest in the respect of international law in inter-state relations. In its final form, the charter should point out to the application of these concepts in domestic and international practices.

CONCLUSION

The projected Euro-Med charter for peace and stability is a step in the right direction. It will not create new security structures in the Mediterranean, but will rather serve as an instrument to build a pan Euro-Med security paradigm within which the actors will formulate their security policies, and through which the EMP will be able to monitor and assess the security threats responses.

In order to become truly Euro-Med document, the projected charter must reflect the spirit of the Barcelona Declaration, and the views of all the actors. Within this framework, the projected charter needs some elaboration on five basic dimensions: (I) an expansion of the mandate of the charter to comprise a role in the resolution of present conflicts, (ii) a specification of the domain of the charter so as it will apply to the Euro-Med sphere thereby upgrading the role of southern Med partners, (iii) an extension of the strategies for achieving security cooperation as to include an emphasis on the resolution of present conflicts, and the urgency eliminating sources of threat perceptions such as weapons of mass destruction; (iv) a specification of the pre-rquisites for the introduction of CBMs and CSBMs in southern Mediterranean conflicts; and (v) a reference to the cultural particularities of the Euro-Med partners as far as the concepts of human rights, democracy, good governance, etc.. are concerned.

ENDNOTES

- The analysis in this paper is based on the "Guidelines for Elaborating a Euro-Med Charter for Peace and Stability" annexed to the document titled "Euro-Mediterranean Conference of Foreign Ministers" (Stuttgart, 15-16 April 1999), *Chairman's Formal Conclusions,* Stuttgart 16.4.1999.

(1) Roberto Aliboni," The Charter for Peace and Stability in the Mediterranean," paper presented at the seminar of the Research Institute for International Affairs, German Foreign Ministry, Bonn, 19-20 March 1999.

(2) In an early version of the Guidelines titled *Outline for Elaborating a Euro-Med Charter for Peace and Stability (Working document drafted by the chair on the basis of contributions from Partners and issued under the responsibility of the Chair)* dated 15 March 1999, there was a clear statement that one of the elements of the political dialogue under the Charter is "to contribute to the settlement of long standing regional conflicts." This statement was changed in the Guidelines to read as follows: "identify ways and means to contribute to the success of initiatives undertaken in the interest of peace and stability in the region."

(3) Ian Lesser, et.al., *The Future of NATO's Mediterranean Initiative: Evolution and Next Steps,* (Rand: Santa Monica, 1999): 32.

(4) Press interview by Amr Moussa, *al-Ahram,* 16 April 1999.

(5) Statement by Amr Moussa, *Al-Ahram,* 2 December 1999.

(6) Nonneman, Gerd, 1994: "Obstacles to stability in the Middle East: An overview of context and linkages", in Couloumbis, T. T. Veremis ; and To. Dokos (Eds.), *The Southeast European Yearbook,* (Athens: Hellenic Foundation for European and Foreign Policy): 105-134.

(7) Lesser, Ian, 1996: "New dimensions of Mediterranean security", (Santa Monica, CA, Rand), mimeo, p. 15.

(8) Craig, James, 1992" "What is wrong with the Middle East?" *Asian Affairs,* 2, 23 (June): 132.

North African politicians and analysts mostly share these views. For example, Ben-Yehia, a former foreign minister of Tunisia, argued that the main threats to Mediterranean security emanate from the domestic setting of the southern Mediterranean world and the gap between the rich North and the poor South. He believed that extremism, nationalism, pollution of the environment, and arms trades are the major sources of threat to Mediterranean security.
Habit Ben-Yehia, "Security and stability in the Mediterranean: Regional and international challenges," *Mediterranean Quarterly,* Winter, 1993.

(9) Karem, Mahmoud, 1996, "The Egyptian viewpoint on solution proposals", in Scheben, Thomas (Ed.) *Towards a Partnership between Europe and the Mediterranean Region: Security and Peace* (Cairo: Konrad Adenauer Stiftung): 69-70.

(10) Said, Mohammad El-Sayed, 1995: "Conceptualizing non-military security in the Mediterranean", Paper submitted at the EuroMesco Meeting, Alexandria. Mimeo.

(11) Aly, Abdel-Monem Said, 1996: "The Egyptian concepts in a transitional period", in Scheben, Thomas (Ed.): *Towards a Partnership between Europe and the Mediterranean Region in Security and Peace* (Cairo: Konrad Adenauer Stiftung): 41-45.

(12) Selim, Mohammad, 1997: "Weapons of Mass Destruction in the Euro-Mediterranean Partnership: An Arab perspective", Paper submitted to the Istituto Affari Internatzionali. Mimeo.

(13) Ahmad abdel-Halim's statement in Thomas Scheben, ed., op.cit., 85

(14) Aziz Kardon, "Security and stability in the Mediterranean," *Sh'UN Al-Awsat*, (Beirut), 82, April 1999: 19.

(15) Address by Amr Moussa to the Euro-Egyptian Co-operation Council in October 1996, *al-Ahram*, 29 October 1996.

(16) Joffe, George, 1997: "Southern attitudes towards an integrated Mediterranean region", in Gillespie, Richard (Ed.): *The Euro-Mediterranean Partnership: Political and Economic Perspectives*, (London: Frank Cass): 17-19.

(17) Abdel-Halim, Ahmad, 1998: "The Egyptian perspective for Mediterranean co-operation", in Hegazy, Sonja (Ed.): *Egyptian and German Perspectives on Security in the Mediterranean* (Cairo: Friedrich Ebert Stiftung): 17-28.

(18) Chava Frankfort-Nachmias, and David Nachmias, *Research Methods in the Social Sciences*, (New York: St.Martin's Press, 4th ed., 1992): 410-412.

(19) Ibid: 410-412.
(20) C.J.Bartlett, The Global Conflict: *The International Rivalry of the Great Powers, 1880-1990*, (London and New York, Longman, 2nd ed., 1994): 353.

(21) Aslan Gunduz, *Security and Human Rights in Europe*, (Istanbul: University of Marmara, 1994): 42.
(22) Ibid, p. 189-191.
(23) Ibid, p. 189.
(24) Ibid, p. 190
(25) Ibid. p. 180.
(26) For a full review of the four generations of CBMs,
Hans Gunther Brauch, "From Confidence to Partnership: Conceptual and political efforts at Confidence Building revisited, CBMs and Partnership Building Measures in Europe and the Mediterranean," Paper submitted at the third Pan-European International

Relations conference and Joint Meeting with International Studies Association, Vienna, 16-19 September 1998,pp. 8-13.

(27) Ibid. p. 1.

(28) Recently, Turkey has begun the process of amending its law in the direction of abolishing men's custodianship over women as stated in Islamic Shari'a, and granting homosexuals legal rights. This is to comply with the conditions, which Turkey has to observe in order to get the status of a candidate member (*Al-Hayat*, 10 October 1999).